

Jane ★ Nelson

Capitol Update

Fall 2009



Senator Nelson presides as Chairman of the Senate Committee on Health & Human Services.

From the Senator's Desk....



Dear friends,

The Texas Legislature convened in January for its 81st regular session as prescribed by the Texas Constitution, which calls for our citizen legislature to meet for 140 days every odd-numbered year.

Despite a difficult national economy, Texas remains one of 6 states in the nation whose economy is holding steady enough to yield positive cash flow for the state government. Because of that, legislators were able to pass a balanced state budget that includes tax relief for small businesses, an increase in state aid for education, a pay raise for teachers and much-needed funds for transportation.

As Chairman of the Senate Health & Human Services Committee, I also worked this session to expand access to health insurance, contain costs in taxpayer-supported programs, promote healthy lifestyles, better protect our most vulnerable citizens and ensure that our growing population has access to a robust, qualified medical work force.

In this newsletter you will read about actions taken by the Texas Legislature on a wide variety of topics. Should you have any questions, concerns or ideas for the Legislature to consider, I welcome your feedback. Your input helps me better represent you in the Texas Senate.

Very truly yours,

Senator Jane Nelson

Senator Jane Nelson

Sound off, Texas!

Provide your opinions on the issues facing Texas by taking our online survey at www.nelson.senate.state.tx.us/survey.



A former teacher and PTA mom, Senator Nelson speaks at the 100-year anniversary of Texas PTA on the steps of the State Capitol.

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BUDGET & ECONOMY

STATE BUDGET

Because of the state's strong economic position compared with other states, the Legislature was able to pass a fiscally responsible, balanced budget without raising taxes. Lawmakers kept the increase in general spending under the state's population growth. Still, lawmakers provided much-needed resources for priority issues, including an increase in transportation funding by nearly \$1.3 billion, the education budget by \$1.9 billion and health and human services funds by \$5.2 billion.

RAINY DAY FUND

The Economic Stabilization Fund, otherwise known as the state's "rainy day fund," was protected by legislators this session. It contains approximately \$9.1 billion in reserves.

SMALL BUSINESS TAX RELIEF

Legislation co-authored by Senator Nelson reduces the state's franchise tax for 90% of the businesses who pay it. It increases the exemption to small businesses with gross receipts less than \$1 million rather than the current amount of \$300,000; and waives the margins tax for businesses with a total franchise tax bill of less than \$1,000.

APPRAISAL REFORM

To rein in runaway appraisal increases, legislators approved HJR 36, a proposed constitutional amendment authorizing limits on appraisals of residences to current value, not on the "highest and best use." Also approved were HB 1038, requiring appraisal districts to consider recently foreclosed homes when appraising nearby properties, and SB 771, prohibiting a district from raising a property's appraisal value every year when a taxpayer has won an appeal.

ECONOMIC DEVELOPMENT

The Legislature approved funding for the Texas Enterprise Fund, designed to spur corporate relocations to Texas, along with the Emerging Technologies Fund, to attract research and development to the Lone Star State.



Senator Nelson visits with Leadership Fort Worth at the Texas Capitol.

FISCAL RESPONSIBILITY & TRANSPARENCY

Under legislation sponsored by Senator Nelson, the Legislature will be presented with "dynamic fiscal notes," including long-term economic impact, on bills under consideration that have a significant impact on government spending. Also, taxpayers will have online access to the budgets of both state and local governments under legislation approved by the Legislature.

PROPERTY RIGHTS

HJR 14 (Corte), if passed by voters in November, will strengthen property protections in the Texas Constitution to prevent government from taking private property unless it is for a legitimate public use.

FEDERAL STIMULUS DOLLARS

The Legislature rejected \$555 million in federal stimulus dollars earmarked for unemployment insurance. Accepting the federal dollars would have required major changes in the state's eligibility guidelines for unemployment benefits, including requiring employers to pay benefits

to laid-off employees who worked as few as 3 hours per week.

TEXAS ECONOMY HOLDING STEADY

Texas has performed better than other states through tough economic times. The recession has slowed economic growth, but the housing market and business community are not as hard-hit as other states.

Rated the No. 1 state for doing business by both MSNBC and Chief Executive magazine, Texas has the most Fortune 500 companies, and our cities rank #1 through #5 on Forbes' list of best places to find jobs.

Wall Street bond raters noted the state's fiscal strength recently in giving their best ratings for Texas notes. This good news comes as the state plans its regular sale of short-term notes to manage cash flow needed for the start of the school year until the arrival of tax revenues later in the year.

Texas began the year as one of six states with positive cash flow as other states wrestled with multi-billion-dollar budget shortfalls. For example, the State of California is dealing with 11.5% unemployment and a \$26 billion budget shortfall.

While the Lone Star State is not without its challenges, Forbes ranks Texas cities among the most "recession proof" in the nation.

"This did not happen by accident," Senator Nelson said. "It is happening because of sound fiscal management over the years and our efforts to foster a healthy climate for businesses."



The Keller Chamber of Commerce presents Senator Nelson with its "Spirit of Enterprise" Award.

HEALTH & SAFETY



Senator Nelson joins Governor Perry and the state's top public health officials at a news conference to discuss the state's response to the H1N1 virus.

HEALTH OFFICIALS PREPARE FOR FLU SEASON

State officials are preparing for the fall flu season and the likelihood that H1N1 virus will return. There is no vaccine yet for the virus, so it is important to take serious precautions.

When the virus was first seen in Texas earlier this year, the state activated its strategic stockpile of antivirals. Officials also launched an unprecedented disease surveillance effort. Labs tested more than 9,000 samples, nearly 2,000 of which turned up positive for the virus.

Unfortunately, there have been 33 deaths associated with H1N1. That's less than seasonal influenza, which is responsible for about 3,000 deaths a year statewide.

CHILDLINK

Legislation by Senator Nelson established ChildLink, a private health insurance pool for children in the child support system, funded by re-directing cash medical support paid by the non-custodial parent. The revenue-neutral plan has the potential to insure up to 200,000 Texas children.

TEXLINK

SB 78 by Senator Nelson created Tex-Link, an office at the Department of Insurance devoted to connecting small businesses and individuals to private health insurance. SB 79 by Nelson creates an optional accreditation for insurance agents who specialize in health insurance plans for small businesses.

HEALTHY TEXAS

The Legislature approved a bill by Senator Nelson initiating Healthy Texas, a partnership in which small employers

may partner with the state to reduce the cost of health insurance for their employees. Many experts believe helping small employers is the key to reducing the number of citizens without health insurance.

MEDICAID REFORM

Lawmakers signed off on proposals by Senator Nelson to make better use of tax dollars supporting the state's Medicaid and Children's Health Insurance Program systems, including authorization of stop payments in cases involving catastrophic, preventable medical errors.

HEALTHY STUDENTS

With more than 40 percent of Texas' young people overweight or obese, Senator Nelson filed several bills this session to improve student health. SB 891 defines physical education in state law to ensure that students receive an actual health benefit and that the instruction is "sequential," meaning there is a progression from year to year. It also requires 30 min-

utes of daily exercise for students in pre-kindergarten. SB 283 clarifies the role of school health advisory councils. SB 282 establishes nutrition and nutrition education grants for schools, pre-kindergarten and community or faith-based youth organizations.

NURSING SHORTAGE

Senator Nelson filed several bills to retain and recruit qualified nurses to help address Texas' nursing shortage. SB 476 by Senator Nelson eliminates mandatory overtime for hospital nurses and gives nurses a stronger voice in staffing issues. Other bills streamline the licensing process.

HOSPITAL INFECTIONS

Building on her bill last session to reduce acquired infections in health care facilities, Senator Nelson secured funding for the hospital infection reporting system and expanded reporting requirements to better protect patients.



Senator Nelson visits with medical doctors during "White Coat Days" at the Texas Capitol.

HEALTH & SAFETY

STATE SCHOOL REFORM

SB 643 by Senator Nelson strengthens protections for Texans with developmental disabilities living in our state supported living centers (formerly called state schools). It directs the installation of video surveillance cameras; requires drug testing for attendants; improves training; and establishes an independent ombudsman’s office to serve as a resource for anyone who suspects abuse has occurred.

DOMESTIC ABUSE

SB 82 by Senator Nelson raises revenue for domestic violence shelters through probation fees of up to \$100 levied on domestic abuse offenders. SB 83 allows early lease termination for survivors of domestic abuse and sexual assault who need to re-locate to escape abuse. She is also the Senate sponsor of two domestic violence bills: HB 2066, which elevates the penalty for the act of strangulation from a Class A misdemeanor to a third-degree felony, and HB 2240, which creates a new third degree felony offense for continuous family violence.

SUPPORTING THE MILITARY

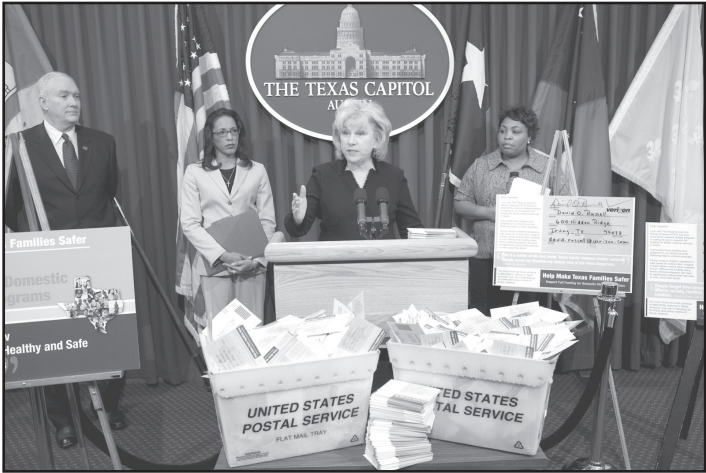
SB 1325 by Senator Nelson creates a veteran-to-veteran peer mental health intervention program. The Legislature also expanded veteran tuition benefits and enacted a 100% property tax exemption for 100% disabled vets. SB 279 by Senator Nelson prevents an individual’s military deployment from being construed as abandonment in a custody hearing.

CHILD ABUSE EDUCATION

Legislation by Senator Nelson establishes the Texas Child Abuse Resources and Education System, or MedCARES, to support regional facilities specializing in the assessment, diagnosis, and treatment of child abuse and neglect.



Governor Rick Perry signs into law a reform bill authored by Senator Nelson to protect Texans with developmental disabilities.



Senator Nelson helps deliver 10,000 purple postcards to the Texas Capitol from Texans calling on the Legislature to pass stronger domestic violence laws.

HUMAN TRAFFICKING

Law enforcement officials will receive more training to recognize potential cases of human trafficking under legislation to combat this growing crime. Medical professionals, attorneys and judges also will be trained to help victims, who often are underage girls and boys. The attorney general will develop a task force to prevent and fight human trafficking.



Senator Nelson walks in the Northeast Tarrant County “Relay for Life,” a charity event to help fight cancer.

USEFUL STATE GOVERNMENT TOLL-FREE NUMBERS

Office of Consumer Credit Commissioner Consumer Credit Helpline.....(800) 538-1579	Medicaid Estate Recovery Program...(800) 458-9858 Long Term Care Ombudsman Office...(800) 252-2412	Medicaid Eligibility for Elderly & Disabled(888) 834-7406
Office of the Attorney General Child Support.....(800) 252-8014 Consumer Protection Hotline.....(800) 621-0508 Crime Victim’s Compensation.....(800) 983-9933 Public Information and Assistance(800) 252-8011	Texas Department of Assistive and Rehabilitative Services General Information.....(800) 628-5115	SSI-related Food Stamp Benefits.....(800) 248-1078
Office of the Governor Citizen’s Assistance Hotline.....(800) 843-5789 Citizen’s Opinion Hotline.....(800) 252-9600	Texas Department of Family and Protective Services Texas Abuse/Neglect Hotline.....(800) 252-5400 Office of Consumer Affairs Hotline...(800) 233-3405 Texas Runaway Hotline.....(888) 580-HELP Texas Youth Hotline.....(800) 210-2278 Foster Care and Adoption Inquiry Hotline (800) 233-3405	Texas Department of Criminal Justice Crime Victim Clearinghouse.....(800) 848-4284 Offender Status Line.....(800) 535-0283
Public Utility Commission(512)936-7000 Consumer Protection Division.....(888)782-8477 Texas No Call List Registration.....(866) TXNOCAL	Texas Department of State Health Services Immunizations(800) 252-9152 Substance Abuse Services.....(866) 378-8440 WIC.....(800) 942-3678 Texas HIV/STD Infoline.....(800) 299-AIDS Family and Community Services.....(800) 422-2956 Mental Health Consumer Rights.....(800) 252-8154	Texas Department of Housing and Community Affairs Hotline.....(800) 792-1119
Social Security Administration(800) 772-1213	Texas Health and Human Services Commission 24-Hour Information and Referral Network211 Ombudsman Office.....(877) 787-8999 Disaster Assistance.....(800) 582-5233 Medicaid Hotline.....(800) 252-8263 Cash and Nutrition Assistance.....(800) 252-9330	Texas Department of Insurance Information and Assistance.....(800) 252-3439 Division of Workers’ Compensation Injured Worker Hotline.....(800) 252-7031 Safety Violations Hotline.....(800) 452-9595
State Bar of Texas Grievance Information.....(800) 932-1900 Lawyer Referral Service.....(800) 252-9690		Texas Department of Public Safety Emergency Roadside Assistance.....(800) 525-5555 Missing Persons Clearinghouse.....(800) 346-3243 Texas Crime Stoppers Hotline.....(800) 252-TIPS
Texas Commission for Civil Rights(888) 452-4778		Texas Medical Board Consumer Complaint Hotline.....(800) 201-9353
Texas Commission on Environmental Quality Hotline.....(888) 777-3186		Texas Veterans Commission Veterans Hotline.....(800) 252-VETS
Texas Department of Aging and Disability Services Area Agencies on Aging.....(800) 252-9240 Consumer Rights/Services.....(800) 458-9858 Complaint and Intake Management..(800) 458-9858		Texas Workforce Commission Unemployment Insurance Hotline(800) 558-8321

TRANSPORTATION & AIR QUALITY

HIGHWAY CONSTRUCTION

The Legislature increased the highway construction budget by more than \$1.9 billion. Additionally, lawmakers approved \$2 billion in highway construction bonds and re-dedicated to highway construction \$300 million in gas tax revenue that was previously used to fund the Department of Public Safety.

DENTON COUNTY RAIL

Senator Nelson, who sponsored legislation creating Denton County Transportation Authority, introduced a bill to ensure that the DCTA's bonding authority was

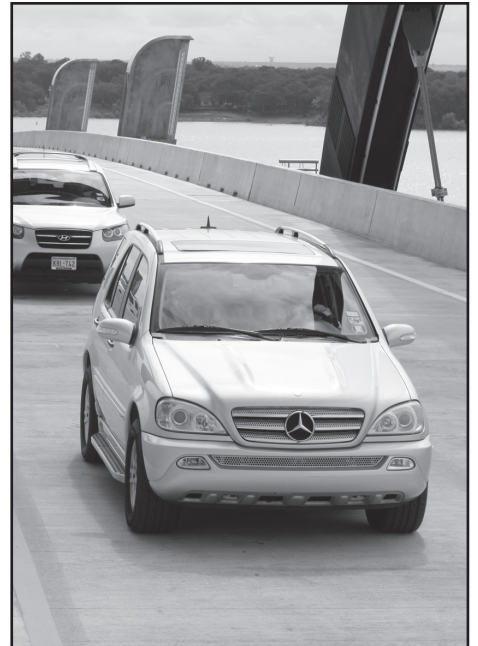
equal to the powers of other regional transportation entities such as The T and DART.

AIR QUALITY

Lawmakers extended the Texas Emissions Reduction Program from 2015 to 2019, approved incentives for clean energy, and expanded efforts to reduce emissions.

CLEAN COAL INITIATIVE

The Legislature approved franchise tax credits of up to \$100 million to incentivize new clean coal power plants that capture at least 70 percent of the carbon dioxide they produce, whichever is less.



A new bridge cuts commute times for motorists crossing Lewisville Lake in eastern Denton County.



Leadership Lewisville highlighted transportation issues during their visit to the Texas Capitol this session.

TRANSPORTATION ONLINE

The Texas Department of Transportation has launched social media platforms to better inform the public about area highways and projects, statewide programs, and other transportation-related initiatives in Texas. Follow the Department on Twitter, Facebook and YouTube. For details, visit dot.state.tx.us/public_involvement/social_media.htm.

What's on the November 2009 ballot?

The following proposed amendments to the Texas Constitution will be decided by voters in the upcoming election on November 3, 2009. The last day to register to vote in this election is October 5, 2009. Visit the Secretary of State online at sos.state.tx.us for more information.

PROPOSITION 1 - (HJR 132)

Proposition 1 would amend the constitution to authorize the legislature to allow a municipality or a county to issue bonds and notes to finance the purchase of buffer areas or open spaces adjacent to military installations. The buffer areas would be used to prevent encroachment or to construct roadways, utilities, or other infrastructure to protect or promote the mission of the military installation.

PROPOSITION 2 - (HJR 36-#1)

Proposition 2 would amend the constitution to authorize the legislature to provide for the taxation of a residence homestead solely on the basis of the property's value as a residence homestead, regardless of whether the property may have a higher value if it were used for other purposes.

PROPOSITION 3 - (HJR 36-#3)

Proposition 3 would amend the constitution to require the legislature to provide for the administration and enforcement of uniform

standards and procedures for appraisal of property for ad valorem tax purposes.

PROPOSITION 4 - (HJR 14-#2)

Proposition 4 would amend the constitution to establish the national research university fund to provide a source of funding that will enable emerging research universities in this state to develop into major research universities.

PROPOSITION 5 - (HJR 36-#2)

Proposition 5 would amend the constitution to authorize the legislature to allow for a single appraisal review board for two or more adjoining appraisal entities that elect to provide for consolidated reviews of tax appraisals.

PROPOSITION 6 - (HJR 116)

Proposition 6 would amend the constitution to authorize the Veterans' Land Board to issue general obligation bonds, subject to certain constitutional limits, for the purpose of selling land and providing home or land mortgage loans to veterans of the state.

PROPOSITION 7 - (HJR 127)

Proposition 7 would amend the constitution to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

PROPOSITION 8 (HJR 7)

Proposition 8 would amend the constitution to authorize the state to contribute money,

property, and other resources for the establishment, maintenance, and operation of veterans' hospitals in this state.

PROPOSITION 9 - (HJR 102)

Proposition 9 would define what is a state-owned public beach. The public, individually and collectively, would have an unrestricted right to use and a right of ingress to and egress from a public beach.

PROPOSITION 10 (HJR 85)

Proposition 10 would amend the constitution to authorize the legislature to provide that members of the governing board of an emergency services district may serve terms not to exceed four years.

PROPOSITION 11 (HJR 14-#1)

Proposition 11 would amend the constitution to provide that the taking of private property for public use ("eminent domain") is authorized only if it is for the ownership, use, and enjoyment of the property by the State, its political subdivisions, the public at large, or by entities granted the power of eminent domain, or for the removal of urban blight. The amendment would prohibit the taking of private property for transfer to a private entity for the purpose of economic development or to increase tax revenues.

EDUCATION

SCHOOL ACCOUNTABILITY REFORM

HB 3 reduced the emphasis on standardized tests, replacing TAKS with end-of-course exams. It provides parents with increased access to student achievement data; and provides increased access to high school career and technology courses. It also removes many state mandates on local school districts to de-emphasize standardized tests and promote curriculum tailored to local community needs.

SCHOOL FINANCE/TEACHER PAY

The Legislature adjusted the funding formula for public schools, adding \$1.9 billion in state assistance. It also approved a minimum \$800 pay increase for teachers and other school employees.

NO-FAIL GRADING

SB 2033 by Senator Nelson prohibits “no-fail” grading policies in which teachers are prevented from giving grades below an artificial minimum. A former teacher, she filed the bill after learning that teachers in certain schools were not allowed to assign grades below a 50, 60 or, in some cases, 70.



Senator Nelson and Birdville ISD Superintendent Stephen Waddell visit with local students.



Senator Nelson, a former teacher, holds her grandson, Brendan, on opening day of the session.

TOP 10% RULE

Many Texans believe the state’s Top 10% law, which gives automatic admission to the Top 10% of every high school class to Texas universities, unfairly punishes students in competitive high schools. The Legislature authorized the University of Texas to limit these types of admissions to 75% of an incoming freshman class.

HIGHER EDUCATION

The Legislature voted to elevate more universities to national “Tier One” status; create \$50 million in matching funds for research grants to our institutions of higher education; expand the pool of financial aid, including \$185.9 million more for need-based TEXAS Grants; add \$10 million for Texas Educational Opportunity Grants benefitting community college students; and to create a \$94 million Emerging Technology Fund to promote research and development.

Senator Jane Nelson
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